

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-CV-80459-ROSENBERG

CAMERON SANTIAGO,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.


ORDER GRANTING THE DEFENDANT'S MOTION TO DISMISS

THIS CAUSE is before the Court on the Defendant's Motion to Dismiss at docket entry 31. The Motion has been fully briefed. For the reasons set forth below, the Motion is granted.

The Plaintiff filed this action under the Federal Tort Claims Act, alleging that a postal truck injured him in a collision. In order to file such a claim, the Plaintiff first had to exhaust his administrative remedies. 28 U.S.C. § 2675(a). To exhaust his administrative remedies, the Plaintiff had to present his claim to the appropriate federal agency and wait six months before filing suit. *Id.*; *McNeil v. U.S.*, 508 U.S. 106, 112 (1993). It is undisputed that the Plaintiff did not wait six months.¹ DE 1, 35. It is therefore **ORDERED AND ADJUDGED** that the Defendant's Motion to Dismiss is **GRANTED** and this case is **DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION**. The Clerk of the Court shall **CLOSE THIS CASE**.

DONE and ORDERED in Chambers, West Palm Beach, Florida, this 30th day of April, 2024.

Copies furnished to Counsel of Record


ROBIN L. ROSENBERG
UNITED STATES DISTRICT JUDGE

¹ For all of the reasons set forth in the Motion and Reply, the Plaintiff's reliance upon a legal assistant's faxed, unsigned, unproduced, and unreceived document is improper.